IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 534 of 2002

Between:

1. Siriki Krishna, s/o. Venakanna, Hindu, age 35 years,

Occ: Business, r/o. Door No.77-9-45/1-a, Rajahmundry,

East Godavari District.

2. Gorrela Krishna, s/o. Surya Rao, Hindu, age 36 years,

Occ: Cultivation, r/o. Door No.45-3-81, Rajahmundry,

East Godavari District.

3. Siriki Kurma Rao, s/o. Simhachalam, Hindu, age 50 years,

Occ: Cultivation, r/o. Door No.77-9-45/1-B, Rajahmundry,

East Godavari District.

4. Gunuru Chandra Rao, S/o. Appanna, Hindu, age 70 years,

Retired employee, r/o. Door No.77-9-45/1, Rajahmundry,

East Godavari District.

5. Smt. Yanamadala Varalakshmi, w/o. Venkata Reddy,

Hindu, age 38 years, House wife, r/o.Door No.45-47-12/A,

Rajahmundry, East Godavari District.

6. Smt. Amaraapalli Bullemma, w/o. Late Apparao, Hindu,

age 50 years, House wife, r/o.Door No.45-47-12/B,

Rajahmudnry, East Godavari District.

..... PETITIONERS

AND

1. The Commissioner,

Rajahmundry Municipal Corporation,

Rajahmundry, East Godavari District.

2. The Executive Engineer, Public Health,

III Reservoirs Compound, Gorakshanapeta,

Rajahmundry, East Godavari District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proposing and constructing public toilets in the site on the western side of Seelam Nukaraju Road abutting Danavaibabu Temple and petitioners houses in Rajahmundry town as illegal, arbitrary, unconstitutional and consequently direct the respondents not to construct public toilets in the said site and pass such other or orders which are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.KAKARAVENKATA RAO

Counsel for the Respondent No.1: MR.E.SAMBASIVA PRATAP

S.C. for Municipal Corporation

Counsel for the Respondent No.2: G.P. for Medical and Health

The Court at the stage of admission made the following

ORDER:

This writ petition is filed seeking a declaration that the proposed action of the respondents to construct the public toilets in the site on the western side of Seelam Nukaraju Road abutting Danavaibabu Temple and houses of the petitioners is illegal and unconstitutional and consequently to direct the respondents not to construct public toilets in the said site.

(2) Initially when the matter came up for admission, an interim direction to respondents not to proceed with the construction of public toilets in the site on the western side of Seelam Nukaraju Company Road abutting Danavaibabu Temple pending disposal of the writ petition, was granted by this Court on 04-01-2002. Thereafter, by order dated 17-06-2002 in W.V.M.P.No.367 of 2002 in W.P.M.P.No.605 of 2002, the interim direction granted earlier was vacated.

(3) In that view of the matter, the writ petition does not survive and hence, the same is dismissed. No costs.

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C.Y. SOMAYAJULU, J

Date: 27th April, 2005

lsn

ASSISTANT REGISTRAR

To

1. The Commissioner, Rajahmundry Municipal Corporation,

Rajahmundry, East Godavari District.

2. The Executive Engineer, Public Health, III Reservoirs Compound,

Gorakshanapeta, Rajahmundry, East Godavari District.

3. Two CD copies